

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ARTHUR McELROY,	)	
	)	4:06CV3228
Plaintiff,	)	
	)	
vs.	)	MEMORANDUM
	)	AND ORDER
LIZ WILLEY, JASON WARNER and	)	
KEVIN DIKS,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. The Federal Rules of Civil Procedure require that a defendant serve an answer to a complaint “within 20 days after being served with the summons and complaint.” Fed. R. Civ. P. 12(a).

The Clerk of the court issued a summons to Defendant Kevin Diks on October 11, 2006. (Filing 3.) On October 23, 2006, that summons was returned as executed. (Filing 7.) Although served, Defendant Kevin Diks has not filed an answer or any other responsive pleading.

IT IS ORDERED:

1. Plaintiff shall have until October 12, 2007 to file a motion for default judgment against Defendant Kevin Diks. Such motion shall fully comply with Federal Rule of Civil Procedure 55 and Nebraska Civil Rule 55.1.

2. In the absence of Plaintiff’s motion for default judgment, this matter will be dismissed as to Defendant Kevin Diks without prejudice and without further notice to Plaintiff.

3. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: October 12, 2007: deadline for filing motion for default judgment against Defendant Kevin Diks.

August 28, 2007.

BY THE COURT:

s/ Richard G. Kopf  
United States District Judge